

TAB E

JOSEPHINE COBO PARSONS,

Plaintiff,

v.

CAPITAL ONE,

Defendant.

CAUSE NO. 08-11664

FILED

08 OCT 16 2008

DISTRICT COURT

GARY FITZSIMMONS

DISTRICT CLERK

DALLAS CO., TEXAS

191st JUDICIAL DISTRICT

DEPUTY

DALLAS COUNTY, TEXAS

ORIGINAL ANSWER

Defendant Capital One Bank (USA), N.A., incorrectly named herein as Capital One, answers Plaintiff's Original Petition (the "Petition") as follows:

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies the allegations in the Petition and demands strict proof of the allegations against it by a preponderance of the credible evidence.

2. Plaintiff's claims are preempted in their entirety by the United States Bankruptcy Code.

3. To the extent Defendant acted wrongly, which it denies, Plaintiff's sole course of action is a contempt motion under 11 U.S.C. § 524.

4. Plaintiff's Petition fails to state a claim upon which relief may be granted.

Wherefore, Defendant Capital One Bank (USA), N.A. prays that Plaintiff take nothing by way of her Petition, that a final judgment be rendered in favor of Defendant, and that the Court grant Defendant all other relief that it deems appropriate.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By: 

Miles B. Haberer
State Bar No. 00793872
Jarrett L. Hale
State Bar No. 24046005

Fountain Place
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202
(214) 979-3000
(214) 880-0011 (fax)

**ATTORNEYS FOR DEFENDANT
CAPITAL ONE BANK (USA), N.A.**

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2008, a true and correct copy of this answer was served on the following counsel of record via certified mail, return receipt requested:

William L. Manchee
James J. Manchee
12221 Merit Drive, Suite 950
Dallas, Texas 75251

